

IN THE BENTON\_\_\_\_\_ COURT

**TRIAL BY JURY DEMANDED**

## COMPLAINT FOR DAMAGES WITH JURY DEMAND

Come now Plaintiffs Joshua Kummer and Allisandra Kummer, by counsel, and by way of their Complaint against Defendants Matthew Armstrong, G. G. Barnett Transport, Inc., and Redford Truck Line, Inc., allege and say as follows:

## FACTS APPLICABLE TO ALL COUNTS

1. Plaintiffs Joshua Kummer and Allisandra Kummer are husband and wife and residents of Monroe County, Indiana.
2. Defendant Matthew Armstrong is a resident of the state of Missouri.
3. Defendant G. G. Barnett Transport, Inc. ("G.G. Barnett") is a Domestic For-Profit Corporation, domiciled in Wisconsin, registered with the Wisconsin Department of Financial Institutions, with a Principal Office address of P.O. Box 275, Beaver Dam, WI 53916, doing business in Benton County, Indiana.
4. Defendant Redford Truck Line, Inc., ("Redford") is a Domestic For-Profit Corporation, domiciled in Wisconsin, registered with the Wisconsin Department of Financial Institutions, with a Principal Office address of W7530 Cty Hwy S, Juneau, WI 53039, doing business in Benton County, Indiana.

5. This is a civil cause of action for damages arising from an occurrence in Benton County, Indiana.

6. Upon information and belief, at all times relevant, Defendant Matthew Armstrong was an employee, agent, or representative of Defendants Redford and G.G. Barnett and was acting within the course and scope of said relationships.

7. On or about December 7, 2018, Plaintiff Joshua Kummer was a passenger in a vehicle being operated by Mark Skinner, traveling west on SR 18 in Benton County, Indiana.

### **COUNT I**

8. Plaintiffs reallege and incorporate rhetorical paragraphs 1 through 7 of this Complaint as if fully set forth herein.

9. At the time specified in Paragraph 8 above, Defendant Matthew Armstrong was operating a motor vehicle traveling west on SR 18 in Benton County, Indiana, and in violation of certain duties there and then imposed by the common law, the statutes of the State of Indiana, and Federal Motor Carrier Regulations was negligent in the operation of said motor vehicle including, but not limited to:

- A. Failure to maintain a proper lookout;
- B. Failure to maintain proper control of his vehicle;
- C. Traveling at an unsafe speed;
- D. Following too closely;
- E. Driving with reckless disregard for the safety and welfare of others;

and collided with the vehicle in which Plaintiff Joshua Kummer was a passenger.

10. As a proximate result of the negligence of Defendant Matthew Armstrong, Plaintiff Joshua Kummer suffered personal injuries, was required to incur medical expenses and

lost income in an amount to be proven at trial, and endured great pain and suffering, which damages shall continue into the future.

11. Defendants G.G. Barnett and Redford are vicariously liable and responsible for the negligent conduct of Defendant Matthew Armstrong via the theory of *respondeat superior*.

WHEREFORE, Plaintiff Joshua Kummer, by counsel, prays for judgment against Defendants Matthew Armstrong, G.G. Barnett, and Redford, in an amount adequate to compensate Plaintiff for the losses which have been suffered, for the costs of this action, and for all other just and proper relief in the premises.

## **COUNT II.**

12. Plaintiffs reallege and incorporate rhetorical paragraphs 1 through 11 of this Complaint as if fully set forth herein.

13. Plaintiff Allisandra Kummer is the lawful spouse of Plaintiff Joshua Kummer and has suffered the loss of the society, services and companionship of her spouse as a result of the negligence of Defendant Matthew Armstrong.

14. Defendants, G.G. Barnett and Redford, are vicariously liable and responsible for the negligent conduct of Defendant Matthew Armstrong via the theory of *respondeat superior*.

WHEREFORE, Plaintiff Allisandra Kummer, by counsel, prays for judgment against Defendants Matthew Armstrong, G.G. Barnett, and Redford. in an amount adequate to compensate Plaintiff for the losses which have been suffered, for the costs of this action, and for all other just and proper relief in the premises.

## **JURY DEMAND**

Plaintiffs demand trial by jury on all issues so triable.

Respectfully submitted,  
KELLER & KELLER

/s/ Ryan K. Johnson

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